

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## ~ APPEALS ~

Friday, May 21, 2021  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

---

### MINUTES

---

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Staff present to support the Commission: Alexander Watkins.

#### **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

**CALL TO ORDER** .....**Presiding Appellate Officer, Chairman Liotta**

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

**ROLL CALL** .....**Presiding Appellate Officer, Chairman Liotta**

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

#### **A. MINUTES:**

- The drafted Minutes of the Regular Appeals Meeting of April 16, 2021, were considered for approval.

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeals Meeting of April 16, 2021, minutes.

**Second:** Chairman Liotta.

**Those Voting Aye:** Chairman Liotta and Commissioner Tilly.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**1. Clarice Johnson v. Multiple Injury Trust Fund, File #CM2016-03394FMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan H. Jones appeared for the Claimant and Travis Colt appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Tilly.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**2. Keely Norfolk v. La Quinta Inn & Suites Truck Insurance Exchange and Prime Lodging LLC Truck Insurance Exchange, File #CM2019-02204F**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Brandon J. Burton appeared for the Claimant and Lacy N. Vassar appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

*Second:* Commissioner Russell

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**3. Sandra Bennett v. Multiple Injury Trust Fund, File #CM2017-04820XMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Susan H. Jones appeared for the Claimant and Travis Colt appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

4. **Donna Blake v. Great Plains Regional Medical Center and Oklahoma Healthcare Association (GROUP #75175), File #CM2019-02544X**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. H.A. Carter III appeared for the Claimant and Angelica Ortiz appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Tilly.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

5. **Anita Martin v. Walmart Stores Inc. and Walmart Associates Inc. (OWN RISK), File #CM2018-04472Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan H. Jones appeared for the Claimant and Jordan S. Ensley appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Tilly.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

6. **Martin McNeely v. Multiple Injury Trust Fund, File #CM2018-00572XMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrell R. Paul appeared for the Claimant and Cyrus Lawyer appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take preliminary action to reverse the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

*Second:* Commissioner Tilly.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER REVERSED**

7. **Patrick Richardson v. Flex N Gate Oklahoma LLC (OWN RISK #19362), File #CM2018-01867A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Mark Shores appeared for the Claimant and Steven E. Hanna appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

8. **Edwin Leathers v. Multiple Injury Trust Fund, File #CM2017-06743HMIF**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett appeared for the Claimant and Cyrus Lawyer appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to take this case under advisement.

*Second:* Commissioner Tilly

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

C. **Commission Consideration of Adoption of Final Orders in the Following Cases:**

1. **Quincy Tran v. Boeing Co. and Indemnity Insurance Co. of North America, File #CM2017-05844R**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Claimant represented himself pro se. Theresa Bullard appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

*Motion:* Commissioner Tilly moved to approve the order as proposed and circulated.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ORDER APPROVED**

**2. Perry Lewis v. City of Tulsa (OWN RISK #10435), File #2019-02601L**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams and Bret A. Unterschuetz are the attorneys of record for the Claimant. Nicholas E. Moorad II appeared for the Respondent.

Parties waived oral arguments.

***Motion:*** After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

***Second:*** Commissioner Russell.

***Those Voting Aye:*** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**3. Perry Lewis v. City of Tulsa (OWN RISK #10435), File #2019-02600J**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams and Bret A. Unterschuetz are the attorneys of record for the Claimant. Nicholas E. Moorad II appeared for the Respondent.

Parties waived oral arguments.

***Motion:*** After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

***Second:*** Commissioner Russell.

***Those Voting Aye:*** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**4. Perry Lewis v. City of Tulsa (OWN RISK #10435), File #2016-07068K**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. J. Stephen McClellan and Bret A. Unterschuetz are the attorneys of record for the Claimant. Nicholas E. Moorad II appeared for the Respondent.

Parties waived oral arguments.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**5. Victor Martinez v. Multiple Injury Trust Fund, File #CM2018-02303YMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Marcus Gowens appeared for the Claimant and Jon Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**6. Bernard Debord Jr. v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA) and Flintco LLC and Arch Insurance Co., File #CM2019-02911A**

Respondent Flintco, and its insurance carrier, Arch Insurance Company, filed an appeal from the order issued by Administrative Law Judge Inhofe. Respondent Action Group Staffing, and its insurance carrier, CompSource Mutual Insurance Company, filed a cross-appeal. David P. Reid appeared for the Claimant. Dana L. Gish appeared for Action Group Staffing and CompSource Mutual Insurance Company. John A. McCaleb appeared for Flintco and Arch Insurance Company.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

7. **Vincent Dopler v. NCED Conference Center Marriot and Marriot International Inc. (OWN RISK), File #CM2018-06999K**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kurt W. Goodwin and Spencer Housley appeared for the Claimant. Jennifer Finley appeared for the Respondent.

This case came on for Oral Argument on December 18, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

8. **Valerie Wilson v. MITF, File #CM2017-00270K**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Alex Forbes appeared and Richard Cole appeared for the Respondent.

This case came on for Oral Argument on January 15, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

9. **Tanya Reynolds v. Harvest Hills Baptist Church & Christian School, Church Mutual Ins. Co., S.I., File #CM2019-07146L**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Louis P. Falsetti appeared for the Claimant and Jeffrey W. Dasovich appeared for the Respondent.

This case came on for Oral Argument on March 26, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

10. **Amanda Burton v. Anatolia Restaurant LLC and Traveler's Indemnity Co. of America, File #CM2019-06284Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Ryan Polchinski appeared for the Claimant and Mia C. Rops appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

11. **Carlton Thomas v. Cameron Logistics LLC and United Wisconsin Insurance Co., File #CM2019-05408R**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Timothy Kent appeared for the Claimant and Blake Farris appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**12. Renya Rangel-Gonzalez v. Nikita & Neha Hotels LLC and Employers Preferred Insurance Co., File #CM2019-08120F**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Ryan Polchinski appeared Claimant and Kelley Bodell appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Tilly moved to take preliminary action to affirm the Administrative Law Judge's Order and instructed Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**13. Jose Guevara v. Seaboard Foods LLC and Indemnity Insurance Co. of North America, File #CM2020-00416R**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Ryan Polchinski appeared for the Claimant and Jay Chaney appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

#### **D. Announcements**

The Commission's next special business meeting is Thursday, May 27, 2021 at 1:30 p.m.  
The Commission's next dual PAC meeting is Friday, June 11, 2021, at 2:00 p.m. The  
Commission's next regular business meeting is Thursday, June 17, 2021, at 1:30 p.m. The  
Commission's next regular appeals meeting is Friday, June 18, 2021, at 9:00 a.m.

#### **ADJOURNMENT**

***Motion:*** Commissioner Tilly moved to adjourn the meeting at approximately 3:45 p.m.

***Second:*** Commissioner Russell.

***Those Voting Aye:*** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**